

**Town of Milton  
Planning & Zoning Meeting  
Milton Library, 121 Union Street  
Tuesday, April 17, 2012  
6:30 pm**

**Minutes are not Verbatim  
Transcriptionist: Helene Rodgville**

1. Call Meeting to Order

2. Roll Call of Members

Bob Heinrich	Present
Lynn Ekelund	Present
Tim Nicholson	Present
Don Mazzeo	Present

3. Nomination/Election of Chairperson and Secretary

Don Mazzeo: According to this, our third item is Nomination/Election of Chairperson and Secretary. We're going to postpone that until sometime later into the agenda.

4. Additions/Corrections to the Agenda

Don Mazzeo: Are there any additions or corrections to the Agenda other than what I have just suggested that we move this down, Item No. 3.

Lynn Ekelund: I have a comment and it refers to Agenda Item No. 8. b. which is Cannery Village Address Issues. I understand that at the last Town Council meeting, Mayor and Council, I think it was very late in the evening, because I was there fairly late into the evening; assigned the Cannery Village Address Issues to the Planning and Zoning Committee. As a member of the Planning and Zoning Committee, I object to that assignment, because I believe we are a Land Use Board and I think that something like the Sign Ordinance could be assigned to the Streets and Sidewalks Committee, which we have here in Milton, or the Emergency Preparedness Committee; rather than just putting it into Planning and Zoning; or something else and I know that I've advocated this in the past, when we have been assigned hangnail issues; that an Ad Hoc Committee could be formed specifically to address the Cannery Village Address Issues; since it is discreet and once it is addressed, it's over. The Ad Hoc Committee could be disbanded and go right along. That's my position. Thank you.

Don Mazzeo: Your objection has been noted accordingly and it will remain on the agenda until the end of the Business. Any other items that we need to address?

Bob Heinrich: I would like to say that I agree completely with what Lynn just said, for the record.

Don Mazzeo: For the record, it is noted that Mr. Heinrich has also objected to the Address Issue. Any other additions or corrections.

Lynn Ekelund: I'm not objecting to someone addressing the issue; I'm objecting to Planning and Zoning addressing the issue.

Don Mazzeo: Understood. Then I will take a motion to accept the agenda, as modified.

5. Approval of agenda

Tim Nicholson: I'll make the motion. Move to accept.

Bob Heinrich: Second.

Don Mazzeo: All in favor say aye. Opposed. Agenda has been approved.

6. Approval of minutes of March 20, 2012

Don Mazzeo: Any corrections, deletions?

Bob Heinrich: Yes.

Don Mazzeo: Okay, where are you Mr. Heinrich?

Bob Heinrich: Three corrections on pages 10, 11 and 13.

Don Mazzeo: Let's get there one at a time.

Bob Heinrich: Okay. Actually, Mr. Chairperson – a correction on something you said last time. I think you meant to put under your second Don Mazzeo: "It's relevant for the purposes of generalization, but nothing will become final until it goes to a final review by this Commission, I would add."

Don Mazzeo: Yes.

Bob Heinrich: Okay? The next page, again, Mr. Mazzeo, your first comment: "Well actually I have one think more." I think you meant to say "thing".

Don Mazzeo: Thing.

Bob Heinrich: But the last one is a little more important.

Don Mazzeo: Alright, where are you?

Bob Heinrich: Page 13, Bob Kerr, his last comment on the page. "For a typical site plan we'll sue the Dogfish." I think we will "use" the Dogfish example, would be better said.

Don Mazzeo: Okay. Very good Robert. Very good. Any other corrections, additions or deletions to the minutes from the March 20, 2012 meeting? Seeing none, I will accept a motion.

Lynn Ekelund: Motion to approve the minutes, as corrected.

Bob Heinrich: Second

Don Mazzeo: All in favor say aye. Opposed. Motion is carried.

7. Public Hearing

**a. Preliminary Site Plan Review**

The Applicant, Dogfish Properties, LLC is requesting a preliminary site plan review to construct an addition to the northwest corner of the existing facility at 6 The Center. The property is zoned LI/LPD (Light Industrial/

Large Parcel Development) and is further identified by Sussex County Tax Map and Parcel # 2-35-20.11-52.01

Don Mazzeo: Alright, this evening we have a Public Hearing. It is for the preliminary site plan review. At this time I would like to entertain a member from the Dogfish properties to come forward and identify yourself. For the record, this is the process that we're going to utilize. We want to see the Applicant first and then other comments after the presentation, from the public, will then come forward. Raise your hand accordingly and address your questions to the Board, the Commission Member, but not the Applicant.

Nick Benz, Chief Operating Officer, Dogfish Head Craft Brewery, 6 Cannery Village Center: We should be a lot shorter; there's no lawyer her tonight.

Lynn Ekelund: Sorry, Seth.

Don Mazzeo: Would you like to use ours?

Nick Benz: No offense, Seth. I'm going to walk with this. Robin would it be good if I walk with this. Can you hear me? Alright. Okay, well today we're going to talk about another phase of our expansion, which is the opposite end of the process of what we've been talking about for the past few months; which was the warehouse and the packaging line end of the spectrum. This is the up front part of the process; where we actually make the beer; called the Brew House and where the malt storage facilities are. Just like we need expansion on the back side of our facility, we also need expansion on the front side, in order to continue to expand and make more beer at the facility. Currently everybody's quite aware of what we'll call the functional utilitarian side of the building. It has previously been called the ugly side of the building and you're right; there it is, it's the bottom. So that's the bottom picture you see here on this one exhibit. What we're able to do or what we have attempted to do; of what you have reviewed in front of you; is to kill two birds with one stone. One, clean up what was called the ugly side of the building. We still need it to be functional and utilitarian; meet our expanding needs; but at the same time, clean it up from a visual and an audible standpoint and I think that we're going to be... I hope that you see an and agree that we're attempting to be successful in that attempt. So what we have, as you look at this building, here; this is our existing building; the large funky Z shaped building that you see in front of you; the northeast corner up here is the corner adjacent to our existing brew house operations and the logical expansion for grain silo and the malt handling facility, where the beer is actually made. This corner has come to light in previous sessions here; there's a lot of questions asked; well how are you going to ensure that truck traffic can't come in off of Chestnut Street; how are you going to ensure this; how are you going to ensure that? We've tackled all of that in one fell swoop; in one design. Let me explain. So, as you see on this picture here, Chestnut

Street's up here, right off the building. As you turn in off of Chestnut Street, you sweep around the brewery building. Our commercial entrance, as you recall, is way out here on Chestnut Street now; we come in the back way; we come down the lawn; we can cross over the Round Pole Branch here to make the malt deliveries up to the front. Currently those trucks come in off of Chestnut Street and sit here, sometimes, even though we try by working through their dispatchers, not to have them do this; but they're independent truckers and there's only so much we can do to control them; they'll sit here sometimes; and idle their trucks all night to the dismay of the townhouse folks who live right there. So if grain deliveries are coming in our commercial entrance now; we have created a one-way loop for truck traffic around this building, whereby they will actually enter into the building. They will deliver their grain, the process of dumping the grain into the conveyor systems; taking the conveyor systems up; they're like buckets; bucket conveyors that go up; like a grain elevator; drop it in the top of the silo and then later on we're going to pull from the bottom of the silo and make the beer from it. Currently this is done by the truck just sitting out back, right here; idling it's engine; cranking away; doing it's thing. That will all now be indoors. The truck will arc and the way that the road is designed to arc through the building, it is not possible anymore for a truck to pull off of Chestnut Street and actually turn in here. There is only one way that truck can arc through this building to ensure a one-way traffic flow and the truck has to come from the commercial entrance to make that loop through the building; around the back; and back out. The actual dumping operations of the grain will be inside the building. This is not just bulk grain. This is all raw materials we use for the brewing operations: hops, specialty malts, syrups, sugars, honeys. Everything that we take a delivery of right now that's used for raw material purposes in the brew house, will also be done inside the building. The truck will be sitting there inside the building and idling. To further isolate any noise issues from trucks, noise issues from the pumps, the spent grain systems, the grain elevators; to avoid all those noise issues, they're all encapsulated inside of the building. We will extend, even though the building ends at a certain location, we're going to extend; which I believe in your drawing was called an acoustic wall.

Bob Heinrich: The Green Wall?

Lynn Ekelund: The Green Wall.

Nick Benz: The Green Wall – well it's an acoustic wall, is the intent. I'm going to get to what the Green Wall means in a second. The acoustic wall will extend so that there isn't this portion here where you can still have noise coming off the sound compressors, bouncing to the neighbors. If we just extend the length of the building here; if you see this picture; these portions down here at the end is an extension of the acoustic wall; to even further capture the sounds coming off the back side of the building. It's

meant to be a screen, for acoustic purposes; but also be functional for us inside. It will look nicer; you won't hear it; and a way we can go and be a better neighbor, while also accomplishing our goals of growth and expansion for the business. So, what does Green Wall mean? Green Wall to us means we had no intention of putting up a giant concrete or just aluminum clad warehouse looking building that would be an eyesore to look at. So how do we break that up? Well let's use the same color palette's that we used when we built the front of the offices, which was a lot of cedar materials and through the use of stains, and altering the style of the wood, this is a rendering, a scaled rendering, mind you; that is appropriate relative to the scale of our building, the scales of the houses, the giant kind of healthy, kind of dying sassafras tree that we really liked and are trying with arborists to save; but we don't know if that's going to work so well. That's a rendering of what that is going to look like. The Green or living part of the wall means, that on the external facade of the wall, we will have a trellis operation that we can plant growing vines, both of deciduous and coniferous varieties, so that during the winter and your seasonality, we can get a number of foliage issues that would look – if you're a baseball fan, like the Green Wall at Fenway Park; where it's not just the facade of a building; it will actually look like vines and flowers and bush work driving. It would require maintenance on our part, so that it doesn't destroy the wall nor get unwieldy. And we can intersperse these climbing vine sections, which you can see; it's not the whole thing becomes green, it's that you intermix the play of wood with landscaping. This does not come right up to the property edge, because there is a 20' right of way utility easement that is the town's easement along our property line; that's why this does not go to the property line, but it's in fact 20' off of the boundary with Chestnut Crossing on that side of the building. The green in the living portion of this is going to tie in, which is just an aside, but as you see there's a lot of dirt moving from where this pictures is being taken and at the moment they're doing the site work that Soil and Water Conservation requires to have all of the drainage not drain towards the road, but drain to the inside portion of the property and we have over 200; I don't remember the exact count; over 200 trees being planted within the next few weeks; so that will just be a large, nice open green space with a large number of trees in there and that will hopefully make it a much nicer entrance to the community there. We're trying to tie this all together with a lot of landscaping and plantings. That's not part of this submission; that's a total aside; but that's what's going on in the triangle directly across from the Main Entrance; there's 240 something trees going in there. I think, I'm sure you'll have questions, but I'm going to leave it there, because I think I've addressed all my points right now.

Tim Nicholson: When you talk about the commercial entrance, are you talking about the new entrance off of Cave Neck Road?

Nick Benz: Correct.

Tim Nicholson: Okay. Thank you.

Bob Heinrich: I'm having a hard time understanding so please bear with me. Okay. I don't do well with drawings. You're actually planning an addition to the existing building?

Nick Benz: Correct. This is connected to the existing building.

Bob Heinrich: Because I tried to look at the drawings, to see where that connection is and I just couldn't tell where... I see the proposed addition here; now is that the entire...

Nick Benz: That's the existing building.

Bob Heinrich: That's the existing building and okay; that's 29' and this is going to be 35' high, I believe. Is that correct?

Nick Benz: Correct.

Bob Heinrich: According to what I read. I see. So all of this square footage here is being added and that represents what that part of the photograph is over there; that rendition.

Nick Benz: All these wooden pieces here is the addition; the existing brick facade is the existing portion that you see.

Bob Heinrich: Okay.

Nick Benz: So this is all add; this is all existing.

Bob Heinrich: Okay, so the addition is really going to be behind the Green Wall? Is that green wall going to cover the entire...

Nick Benz: The Green Wall is simply a term to indicate that the external facade of the addition; some portion will be wood, some portion will be wood covered with trellis work that has living horticultural components growing on it, to break up the monotony, if that's what you want to call it, of a building all around it.

Bob Heinrich: And it's a very nice attempt at a sound wall, too.

Nick Benz: Well, no, it will be a real; not just an attempt; it will be a real sound wall.

Bob Heinrich: Yeah, I understand that and it's a very nice way of doing it. Okay, I think I understand that.

Nick Benz: And on this rendering, this opening right here is the opening that the trucks will enter in and because the road sweeps in that way, a truck cannot come in off of Chestnut Street, Reed included; cannot come in and enter the facility; they would also have to go all the way around and this is the way to take that into account, so the truck traffic is minimized as much as we possibly can.

Bob Heinrich: Now is that going to be like a loading dock inside there?

Nick Benz: Inside of the building there's a grain dump station and then there's also one loading dock area; so there's room for two trucks inside this building concurrently; but it's all inside the building.

Bob Heinrich: Inside. Then there's no... Obviously you're thinking about fumes and that kind of thing.

Nick Benz: Correct. All the proper ventilation and human safety concerns will be taken into account. There's one door in and two doors out. So they can both come in, find their appropriate unloading station, do what they need to do and then they pull out, back around and out the commercial entrance they go.

Bob Heinrich: Very good, thank you very much.

Don Mazzeo: My opening statement is I applaud your Green Wall. It is very much appreciated by this chairperson. My question on the Green Wall, as you're calling it the Green Wall, will it also be around the back side facing Chestnut Properties?

Nick Benz: Yes.

Don Mazzeo: Okay, so in fact...

Nick Benz: That would give you an idea of what it would look like from the Chestnut Properties side.

Don Mazzeo: Okay.

Nick Benz: So this is a real picture and this is a scaled rendering; trying to get perspective of the height of the building relative to the sassafras tree, the condo units, the existing tanks that we have outside. So the green portions here would be Chestnut Crossing.

Nick Benz: I'm sorry. What did I say?

Don Mazzeo: Chestnut Properties.

Robin Davis: He said property; you said Properties.

Nick Benz: Chestnut Crossing.

Don Mazzeo: We both made the same mistake, we knew each other through the parks. Okay, the two tanks that are in your current picture, on the bottom; you have some blue topped units there.

Nick Benz: They'll be going away.

Don Mazzeo: They disappear.

Nick Benz: Yes. During the transition phase, until this new malt building is built, they have to remain our existing grain silos.

Don Mazzeo: Understood.

Nick Benz: When the building is done and ready to go, they go away and they're replaced with the square silos here; that don't have the blue units; it's a corrugated metal exterior that would match the facade of what the existing tanks look like.

Don Mazzeo: And the height of the current tanks versus the height of the new corrugated tanks that you'll be putting in?

Nick Benz: Tanks?

Don Mazzeo: Your silos.

Nick Benz: The existing tanks by the tree house at our main entrance?

Robin Davis: No. The blue topped...

Don Mazzeo: Your blue topped silos, I guess.

Nick Benz: These blue topped silos, that's a cyclone meter for dust control purposes; the top of those, I think, is just over 50' and the top of these is

65'.

Don Mazzeo: The new ones that you will be putting in – so in fact it is a little bit higher?

Nick Benz: Correct. But within the requirements of light industrial, which limits at 75'.

Don Mazzeo: The square footage that you're putting in, as a proposal here, is 28,000 sq. ft., plus or minus.

Nick Benz: Ish. Yes.

Don Mazzeo: How many new employees will you be hiring? New employees will you be hiring for this, if any?

Nick Benz: At the moment...

Don Mazzeo: It doesn't have to be an exact number, Nick.

Nick Benz: Well, it's not an exact number. We are actually hiring them before this is done; we're staffing up our brewing department now, because there's a long lag period for training purposes, until they become fully independent and functional, where they can work on any shift by themselves, without having to be trained; so we're staffing up and adding the increment of five or six brewers this year; so when this comes on line and we're reading to put our foot on the gas to make more beer, we actually have the people in place to do that. So the investment doesn't happen and then you make the hire; we're actually making the people hire first to be timed on when the investment comes on line, so that they match.

Don Mazzeo: So your number was about five or six additional?

Nick Benz: That's just brewers alone, just for the brewing department; there will be one or two additional warehousing staff; because there will have to be somebody up here to actually man the unloading docks and inside here will be racking solutions and refrigerated storage for our hops and specialty malts; there will be one or two additional warehouse folks; one additional lab technician for that particular building. They're probably the relevant...

Don Mazzeo: Hours of operation would be approximately.

Nick Benz: The exact same as it is today; internal brew house operations is around the clock; we start it Sunday night at 10:00 p.m. and run 24/7 until Saturday afternoon 3:00 or 4:00 p.m. It will be exactly the same as it is today.

Don Mazzeo: That's what I'm looking for.

Nick Benz: Yes.

Tim Nicholson: What's your time line, in terms of starting and completing? Any idea?

Nick Benz: Well. Making a giant assumption that all goes well this evening...

Bob Heinrich: So far it is.

Nick Benz: And that the final also goes well, we plan on being under



construction by June and being finished by December.

Tim Nicholson: This year?

Nick Benz: Correct.

Tim Nicholson: Okay.

Nick Benz: The timing of this will actually finish in the same time frame that the new warehouse building will finish; both are critical components. The equipment that we've purchased will actually occupy these spaces; we're trying to tie everything so the building is done when everything arrives from Germany off of the ships and from the port to get here.

Tim Nicholson: Thank you.

Nick Benz: It's a game we're playing, a timing game we're trying to play.

Don Mazzeo: Any other questions from the Commission?

Nick Benz: I'll be around. You know where to find me.

Don Mazzeo: Thank you, Nick. At this point, I will open up the Public Hearing portion of the meeting; specifically to address this particular application and again, address yourselves to the Commission, not to the Applicant.

Rich Miller, Gristmill Drive, Milton: The new application is it possible to get sound level readings pre- and post-project? Because the objective that one portion is to mitigate sound; but in our interests and in Dogfish's interest to have baseline data before the project begins and we can compare it with post-project and also ask for an assurance that the applicant takes steps after the project is completed, to continuously mitigate any stray noise. The path of the traffic at 3:00 a.m. is going to be different then at 3:00 in the afternoon; sound has a way of just getting away from you. Any small penetration or opening, will let that sound escape from the building; so we have to have baseline data to begin any discussion in the future and I think that would be a reasonable requirement or a suggestion for the Commission.

Don Mazzeo: Thank you, Mr. Miller. I'm going to address this back to probably, at this stage. Is there any sound testing done and volume testing done today in the vicinity of the Brew House?

Robin Davis: We have, in the past, issued several complaints from someone in Chestnut Crossing in reference to the noise. That has been several years ago. Every time that the town has gone out and done decibel readings, Dogfish has been well below the maximum, allowable, decibel readings. They have never failed a test and have done with a little bit of cones on the silos; I think they were more for dust, not noise; but they've put some equipment on to actually drop the sound levels down. But they have never failed a test.

Don Mazzeo: Okay, thank you. Anyone else? Sir.

Fred Minasian, 120 Village Center Boulevard: I would be the house right there. In the past, there's been a question of noise. I think all of those

issues were dealt with quite admirably by Dogfish and I think this instance of removing and extending the project... There's our house right there, so you can see that it's pretty close. Presently, even with the two towers there, there isn't any noise to speak of. The only mitigating noise that really comes out is the trucks and there's a hopper truck there that I think Mr. Wally has for his cattle and there's another gentleman has it for his cattle too. You don't hear any of the operation there. It's just the start up of the trucks and the shutting down. It's not even bothersome to a point. Our bedrooms front the street, so it's really not a big problem. As you can see, this is quite a good looking building, I presume and if you can keep the sassafras tree; that's not even sassafras; I have never seen a sassafras that big. Seriously and I used to drink all that kind of wine, sassafras tea and all that; it's good stuff. But anyhow I have no objections to the building; it's something so close. I know it's going to be 20'... And I'm assuming, from what I saw on that diagram, that there's a placement of trees; did you suggest that; that you're going to put trees up there, too? Yeah I know this operation is being done right now and they've mitigated the dust by putting a wet truck behind it; a hydro seeder and you've done a real good job on that. That looks pretty good though. That will come out looking real well. I just want a bench with my nameplate on it so I can sit over there. I have no problem. I think this is a great project. It's beautiful for the Town of Milton and I think we ought to... I know this is kind of rough against the grain; some of us feel that Milton comes first, Dogfish comes second and we've been arguing this thing over for about a couple of years I think, ever since they've been in place. But maybe some day down the line, we'll be able to say Milton first, the home of Dogfish Brewery. Welcome.

Don Mazzeo: Thank you. Any other comments?

Sam Gard, 115 Sassafras Lane: Can I beg your indulgence to just look at the drawing for a few seconds so I can orient myself properly?

Don Mazzeo: Absolutely.

Sam Gard: I have a wonderful view of them right now. I live about 400 yards from their side and would like to just take a second to orient myself and while I'm at it, orienting; perhaps I will ask the Commission. I did notice that Nick introduced himself as the CEO of Dogfish Head Craft Brewery, Inc. I note that they are not the Applicant. I note that the Applicant is not the same applicant as Dogfish CVI, LLC; who was the Applicant for the last zoning change and my comment is simply, I hope that the Planning and Zoning Commission is satisfied that these various entities are the appropriate entities to be asking for these various site plan approvals.

Nick Benz: Chestnut Street is not on the map; it's running in this direction here, when you pull off of Chestnut you come down; here's the clubhouse; here's where the trees are being planted in the dirt. This is the building

right here; the addition.

Sam Gard: Okay, thank you. So my neighborhood is right here. This is Patricia Miller's and Don and Dean... Okay. So this new one is now about 20' higher than your existing... Oh, I'm sorry. What is the height of the existing facility versus the height of the new facility, please?

Don Mazzeo: The new facility height has been identified as 35'. I don't know what the height of the current building is; that's going to be in addition to existing building and I'll ask that of the Applicant.

Sam Gard: Okay and then I also heard that the silos are at about 65' above grade. Is that also correct?

Don Mazzeo: That's what has been testified to.

Sam Gard: If I did understand it, is truck traffic going to be coming in from Chestnut Street at all?

Don Mazzeo: Negative. It's not coming from that intersection.

Sam Gard: All the truck traffic is coming from Cave Neck Road.

Don Mazzeo: It's coming from Cave Neck Road, through the property and back into the new addition and through the old building and out, back through to Cave Neck Road exit.

Sam Gard: Terrific. Thank you very much.

Don Mazzeo: You're welcome.

Sam Gard: That's all I have.

Don Mazzeo: Thank you. Mr. Dailey.

Jeff Dailey, 211 Gristmill Drive: I'm just wondering if the Commission had considered why Dogfish Head is making the addition on the northeast corner, which they own the property; so they can certainly make application and design this, etc.; but they're moving their main operations building, physically, closer to Heritage Creek; and since they have acquired land directly behind the existing building. What I would like to know is was there any consideration for making the annex, the drive through, the large garage, the delivery point, at the rear of the existing building; because then they would not encroach on Heritage Creek by the how many of those square feet; whatever the dimensions are. That was my question. I also would like to know if all of the Federal regulations have been looked into; for housing two trucks at a time, indoors, ventilation, etc. And also I would like to know from the Applicant how many trucks are in line at a time and as they increase their operations and their output, will there be waiting trucks for delivery in addition to the two that are housed indoors?

Don Mazzeo: Thank you, Jeff. Anyone else like to make comment or question? Mr. Miller.

Rich Miller, Gristmill Drive: Just a clarification of the noise conversation that we had earlier. I heard Robin's explanation about the centrifugal \_\_\_\_\_ towers. Those towers will be removed, so any base data will be irrelevant and if we get base information at this point, that will remove

any arguments in the future about what the existing noise level is. We should survey for the protection of the Applicant and of the town, so that we know what the base level is at this point in time and when those towers are removed, it won't be an issue; because right now the readings are being factored, based on those centrifugal towers that won't be there. So your baseline will not be correct. All it does is establish pre- and post- what the noise levels are at this point in time and post-construction. It's just a way of removing any potential argument or disagreement in the future about what the existing condition is.

Don Mazzeo: Thank you.

Sam Gard, Sassafras Lane: I love the idea of a pre- and post- noise survey. In my humble opinion the noise requirements on one side of his fence is one number of decibels and on the residential side, I believe it's something different. My recommendation is that the sound survey is to be done before and after; it be done in the residential area close to the property boundary, because that's where the people are and I believe, that the noise requirements within 10' of each other, are several decibels different.

Don Mazzeo: Thank you. Yes, please come forward.

Cindy Dennison, Summer Walk Boulevard in Cannery Village: I have the great distinction, honor, of being a resident of Cannery Village and also being a coworker at Dogfish Head Craft Brewery. I moved into the community, although I worked at Dogfish; from the inside looking out I saw how the brewery responded to the community, to our neighbors. Nothing that I have ever seen during the course of my six year employment has made me resent the fact that I have moved into a village so close to where I work. Internally I see that we always dot our i's, we cross our t's, we recognize that we are a member of this community and the larger community of Milton. I think that our actions, the company's actions, to date, really have shown how seriously they take that commitment and I am proud to say that I see both sides. So, in looking at this, obviously, I would like to ask that we be able to move forward with plans that the company needs to move forward and recognizing that, I think it's good for our community and it's good for me, although I live very close to the brewery. So thank you.

7. Business – Discussion and possible vote on the following items:

**a. Preliminary Site Plan Review**

The Applicant, Dogfish Properties, LLC is requesting a preliminary site plan review to construct an addition to the northwest corner of the existing facility at 6 The Center. The property is zoned LI/LPD (Light Industrial/ Large Parcel Development) and is further identified by Sussex County Tax Map and Parcel # 2-35-20.11-52.01

Don Mazzeo: Thank you. Seeing none, we close the public portion. At this point, I would like to have Mr. Kerr, briefly go through his checklist of the

engineering items as it relates to this particular application and point out...

Nick Benz: We are prepared to run through Bob's list, with our specific comments to them, if that would save time, instead of Bob running through his list and then we doing it a second time. We're happy to run through each item one after another and engage in whatever Q&A is appropriate for each item.

Don Mazzeo: No problem with that, Bob?

Bob Kerr, CABA Associates: No.

Nick Benz: If you would like, I can address any of those issues brought up, if you so choose to ask.

Bob MacLeish, Lighthouse Construction, Magnolia, DE: We're the construction managers for Dogfish Head. Bob, we've reviewed your notes and we don't see anything in your comments that you've made, that we can't comply with and follow-up on. We're reviewing the notes as we've received them; I think, just as we file out our construction drawings and review them with you, the questions and the questions that you have raised, I think Nick addressed; the green wall, as well as the sound wall possibly; and I know there will be further information on our final construction plans after we receive our approval on our preliminary plans, we can address those with you, if they're not correct; to go from there.

Bob Kerr: Just a question on the sound wall. I believe Nick said that it was 25' tall and on the drawing it's referred to as 35' and it appears in your rendering not to be as high as the rest of the wall.

Bob MacLeish: Right and that had to do with the acoustics; they've got the sound designer involved with it, Bob, instead of taking it up to 35', because of the bouncing of the noise, the 25' kept it down. So that has been changed from that original submission.

Bob Kerr: I just wanted to make sure which one we were working with.

Bob MacLeish: Yeah, I apologize for that. But as I go through your notes, Items Nos. 1, 2 and 3, there's no comment. We agree with those comments. Under Item No. 4 – further detail of the breakdown of parking, we can provide that to you, as well. In fact, we have it tonight, if you want that, but if not, through the construction phase.

Bob Kerr: Yes. It's something that I wanted the Commission to decide how they wanted to address it, whether it's an all industrial or whether we do look at the office and I guess the retail, you have a little bit of retail, but not that much within; whether the Commission... There seems to be quite a few parking places; but whether they want a strict following and it always seems that we just have a little concern over what the parking lot is when we're adding other properties to it.

Bob MacLeish: Yes, and that's correct and we've done it both ways. We've broken it down in that manner, just like you've asked for and we still show positive on our parking spaces; but we can provide that to you, as well. On Item No. 6 regarding the Fire Marshall, that has been submitted to the Fire

Marshall and we've received Final Approval from the Fire Marshall; we received that approval on March 20<sup>th</sup>, so we are in compliance with the Delaware State Fire Marshall. Item No. 7, I believe you're asking for just some clarification on heights on the final drawings. I think Nick spoke to that a little bit, but we will also identify that on these plans, as well. No. 8, there's no indication of the direction of the truck traffic. What we will do is we will mark that as one way, as well, on the final submission plans, to meet your requirements there, as well. Item No. 9...

Bob Kerr: If I can just interrupt, that was what I was trying to figure out; which way the trucks were coming out onto Village Center Boulevard; talking about stop signs and things that obviously, if it's going to the other way, isn't as important.

Bob MacLeish: Correct. Item No. 9 – when you address adding on additional light, that's not an issue. We'll get with you and make sure that's in the right location. Item No. 10 – I believe Nick addressed a little bit in talking about a screened living wall; as well as there being additional final details on the construction plans we submit. The other questions Bob, we can handle that in the construction; just was the question regarding the guard rails to the green living wall; we just weren't sure in that location, but that's something you can identify to us.

Bob Kerr: Certainly. It was mostly the sound wall and if traffic was going in the opposite direction, they would basically be headed toward the sound wall and 25-35' tall wall is a neat target; I know too many truck drivers.

Nick Benz: There is no way for a truck to drive between the property line of Chestnut Crossing and the facade of the wall. That's still a Town of Milton right-of-way that's not intended for any traffic whatsoever; it's going to be a green space. It's not even a paved space.

Bob Kerr: I was worried, Nick; I wasn't sure which way the traffic was going and so if he was on the road, but just got a little bit too close to the wall with the interior walls; yeah, the roof that helps support it; but outside when it comes down it makes a lot of noise.

Bob MacLeish: Yeah and we can get through there. Under Item No. 12 – the sound wall, we corrected just the height; again that was based on our acoustics engineer who is designing that sound wall for us, as well. On Item No. 13 – there's A, B, C, and D; we agree with that and we'll make those changes. Item Nos. E and F – as well, we'll change those on the final construction plans. And then under Item No. G – we'll just get with you to confirm that; I think it's just a confusion on our part.

Bob Kerr: Yes, rushing to get this out, Robin and I were trying to figure out where a couple of lines were and we didn't think they were shown quite correctly, so...

Bob MacLeish: And we've tried to go out and identify them, but I think it's something that's easily clarified when we go out there. And just Item No. H – is just a note about the water and sewer lines extending from Chestnut

Crossing connecting to the lines on the parcel; we'll show those, as well. I believe that addresses all your comments. I didn't see anything in here. We've also received approval just for the Planning Commission – we've got our Soil Conservation approval, as well as our DNREC on our notice of intent to proceed and from the Division of Health and Social Services on our water.

Bob Kerr: If I could ask and it might be Nick is the one to ask one additional question. If I remember correctly from the warehouse, trucks will be cuing there to come on up here and make deliveries; will that be a 24/7 delivery?

Nick Benz: No.

Bob Kerr: Or will that be your normal...

Nick Benz: Normal business operations. So I think that addresses a number of the citizens comment's as well; which is trucks will not be stacking up on Village Center Boulevard around our parking lot. That's what the intention of the security hut and the staging area back in the woods where nobody will hear them if they arrive in the middle of the night; they're going to sit out there in the middle of the night, in the middle of the woods and when our loading docks open in the morning, we will receive grain deliveries or bulk deliveries. One further comment is, the grain delivery process right now is called a pneumatic process; so if you think of it as a big vacuum cleaner, turned around backwards; and instead of sucking, it's blowing; so you vacuum the stuff out of the truck and you blow it up into the silo and that's why those dust collection units are necessary on the top, because you're blowing it in there with force and it spins through a cyclone and the dust falls out, instead of blowing out of the silo. It harms the grain more; so I would be lying if the reason we're changing is only because of the noise issue; but we're going to a much more gentler operation so when the truck comes it's a flat bottom bellied truck and it will drop with gravity into a pit in the ground in the building; it will then fall, or convey, in the building, underground on conveyor and then it will go up a grain elevator that is like buckets; that just nicely and gently carry it to the top and drop it in the tub. It eliminates the dust issue; it's healthier for the grain, for the brewing process; and the noise is significantly less than the pneumatic system that we currently have in place; but all of that will be done inside of a building, anyway.

Don Mazzeo: And while we're talking about the inside of the building, a question was brought up from the public this evening and I have the same concerns. You are having at least two trucks internally, while you're unloading by gravity now, rather than your reverse vacuum system; are they going to be idling inside or are they going to pull in and stop and turn off; because I don't think that's practical for...

Nick Benz: No, they'll turn off.

Don Mazzeo: They will turn off.

Nick Benz: Yes.

Don Mazzeo: Okay, but you're still carrying the fumes for that period of time that they're in there.

Nick Benz: We'll have the ventilation designed and something the Fire Marshall Office looked into and already gave their approval for; we'll have the ventilation system designed assuming they won't; but good practices will say our people don't want to sit there and smell diesel fumes either; so we'll have big signs, Turn Engine Off; chock their wheels; dock lock them in.

Don Mazzeo: Standard safety procedures will be in place.

Nick Benz: Correct. Correct.

Don Mazzeo: For warehousing type operations.

Nick Benz: Yes.

Don Mazzeo: Basically, that is a warehousing operation.

Nick Benz: Yes, it's a delivery, receiving and warehousing operation.

Don Mazzeo: Thank you.

Bob Kerr: Mr. Chairman, if I could ask one more question?

Don Mazzeo: Absolutely.

Bob Kerr: Approximate or estimated number of truck deliveries per day to the facility; maybe historic and as you grow.

Nick Benz: At the moment, currently as a business, we get one truck, one large grain delivery, per day. We're going to do about 150,000 barrels this year as we scale and grow to 500,000 barrels; it can become four to five, probably on the high end per day, which again does not lend to 24/7 operations either; we'll stage them in the woods and it will only be about a 40 to 45 minute unloading process for each one of those vehicles and we'll stage them as we need them throughout the course of the day; but stage them out in the commercial, back in the woods, and they only get the pass to come over, cross the bridge, arm raises, lets them through, go to your designated spot and unload.

Bob Kerr: And how many other trucks, you said there are other deliveries, other than grain?

Nick Benz: Hop delivery and specialty malt deliveries, at the moment we probably receive a hop 18-wheeler every three to four weeks; one every three to four weeks and in the peak, in ten years at 500,000 barrels, maybe a truck a day of other specialty stuff arriving, at most. So there's something about the noise and I think I addressed the pneumatic versus the grain elevations. We talked about operations not being 24/7 inside the building it is; but you won't hear that anymore than you hear any operations inside the building right now; you don't hear it. As Robin pointed out, we've been tested on numerous occasions from previous complaints and we've always been well within our sound limits, already and now we're putting even more of those operations inside of the building that will have a high R value, using acoustic engineers to help us



design those wall systems to even bring it down quieter. You won't hear the idling engines, even if they were idling, because they would be inside the building. The height we already talked about; it's 7' difference between the existing height and the new building height. And I think that is it.

Those were my notes.

Don Mazzeo: There was one other issue that was brought up earlier this evening.

Nick Benz: What's that?

Don Mazzeo: The fact that you chose this particular location on your property versus somewhere else. Why did you choose that versus someplace else and did you consider another portion of the property further away from the residential areas?

Nick Benz: We definitely did not consider any other alternatives, because from a manufacturing standpoint, this is the only location it can be. This is where our existing brew house operations are, where our existing wastewater tie ins, all the utilities that support it, the grain silos that support our operations. If you think about an efficient manufacturing process, you have a beginning, a middle and an end; you don't mix that up and say the beginning is going to go to end, back to middle, back to end, back to the beginning. That becomes very inefficient and very costly, very costly to do so. This is the front end of our facility. As we roll through the rest of the building, that's the middle, and the end is now the new warehouse building in the back; it's one efficient path through the manufacturing organization.

Don Mazzeo: And again, all the truck traffic is coming off of Cave Neck Road, flowing through your gatehouse, up to your new entrance way when it becomes built and back out to Cave Neck Road.

Nick Benz: Correct. Correct.

Don Mazzeo: Bob you had a question?

Bob Heinrich: Yeah a very minor one. I didn't hear what Bob said earlier about the bollards protecting the green wall. I think I heard that there was absolutely no traffic back there at all and there's no way a truck could back into that wall; so you wouldn't need the bollards or some other kind of protective device there to prevent that from happening? Did I hear that right?

Nick Benz: It would help if I knew where you were talking about.

Bob Heinrich: I'm looking at the wall over there, actually; on the picture.

Bob Kerr: Yeah, that's not the area though.

Don Mazzeo: It's the back side, where the fence is.

Bob Heinrich: Maybe I misunderstood.

Bob Kerr: This portion, if you can see it, is the addition of the sound wall and I was... Not knowing which direction the traffic was going; if it was coming this way, there's a possibility of somebody hitting the end of it. I've done too much industrial work and had buildings disappear over

night, so to have something to just protect the wall in this area, just to make sure that...

Bob Heinrich: Then I did hear that wrong. There is going to be some kind of protection there? No?

Nick Benz: That wall, if you think of it... I think on the rendering there's a gap; there's not going to be a gap; it's going to look as if it's a continuation of the wall. I don't know why the architect's chose to put a gap there; it's going to be a continuation of this wall. The truck traffic is falling inside of this building now, you're looking at the external. The truck is traveling through here at a slow speed, in a straight line. So if the truck driver chooses to just veer left and drive into a wall, at some point you have to trust the driver's not going to drive into this wall anymore than the driver is going to drive into the pumps and cooling tower we have right next to it on the other side. They will be channeled through the building, appropriately, in their own lane and we'll have proper markings on either the concrete or asphalt; we're not... This whole backyard isn't paved right now, so we'll probably continue the concrete, because it's easier on trucks in tight turning areas and won't get chewed up as much as asphalt. They will be properly striped; follow the stripes just like they have to follow the rules driving down the road. I think Bob's concern was if the trucks were driving the other way, the first thing they encounter is the open end of a wall that somebody could potentially run into to, but that's not possible the way the trucks are going now.

Bob Heinrich: Okay. Thanks.

Don Mazzeo: Any other questions of the Applicant?

Lynn Ekelund: I have a question for Bob. I just want to wait until he sits down. On your comment No. 9 – which is about lighting. They had indicated that they agreed with your comment and your recommendation that a second light be relocated and you followed that up with no other new lighting is shown. With their agreement to relocate the second light, is that satisfactory for you or do you think there should be other new lighting?

Bob Kerr: I probably would ask Nick to also comment, or Bob; but to have a light near the entrance to the facility. There was nothing right in that area; just to help light if somebody is walking by at night; it could be a dark area. As far as around back, my preference would be that they have the minimal amount of light back there, as possible; hopefully they have the maximum they need now and if anything, the activities are going to be going on inside, they can light that up as much as they want.

Lynn Ekelund: Okay, thank you.

Don Mazzeo: Commission members, there is a question about the number of parking places. Apparently there has been some discussion that they need 282. Mr. Kerr indicates that it's really our decision, if we want to have them enumerate those for industrial, for the warehouse, for office

folks. My particular input on this is, I feel that there is a sufficient number of parking places; they don't have to be enumerated, broken out.

Lynn Ekelund: I agree with you.

Bob Heinrich: I agree.

Tim Nicholson: I agree, too.

Don Mazzeo: Okay, so Mr. Kerr, you can take that off your list. Thank you. And for Bob MacLeish here, you did say Soil Conservation has been approved, based on your set of plans, your run off and everything has been approved.

Bob MacLeish: Yes, Sir.

Don Mazzeo: Okay and internal fire department from the State has given you the approval, as well as for the internal operations of the truck traffic.

Bob MacLeish: Yes, Sir.

Don Mazzeo: Thank you. Are there any other questions or comments?

Bob Kerr: Mr. Chairman, I would maybe ask two more, just to see that it's on the record. Nick, you mentioned refrigeration in part of the building. What type of refrigeration will be outside? Will it be chillers sitting on the ground, on the roof? And with the ventilation, will it all be roof mounted or wall mounted?

Nick Benz: This is refrigeration, not freezing; there's a huge difference with the amount of Btu's that you need, so the refrigeration would just be a heat pump type system for a small portion; it's not the whole 28,000 square feet, mind you. Looking at your drawings, you could see that the building is bisected by the trucks coming through and it's the small trapezoidal piece closest to the sassafras tree that will have refrigeration considerations for perishable storage of goods.

Bob Kerr: With an outside compressor or?

Nick Benz: Roof mounted.

Bob Kerr: Ventilation also roof mounted?

Nick Benz: Correct.

Bob Kerr: Thank you. And for the Commission that reduces the amount of noise when you put it up on the roof.

Don Mazzeo: Any further questions or comments? Nothing. I'll entertain a motion on this application. This is a Preliminary Site Plan Review and, again, this is the time to make a motion to either approve or not approve.

Tim Nicholson: I make a motion to approve.

Don Mazzeo: Okay, now.

Lynn Ekelund: I'd like to...

Bob Heinrich: I'll second that.

Don Mazzeo: Wait.

Lynn Ekelund: Add to the motion that it's subject to the comments that were made relative to Bob Kerr's Memo of April 12, 2012 that we spoke about this evening.

Don Mazzeo: I have an amended motion on the table.

Bob Heinrich: I'll second it.

Don Mazzeo: I'll do a roll call vote:

Bob Heinrich	I accept the motion.
Lynn Ekelund	Yes
Tim Nicholson	Yes
Don Mazzeo	Yes

Don Mazzeo: Motion is approved.

**b. Cannery Village Address Issues**

Review of Cannery Village addressing concerns. This item was forwarded by Mayor and Council at their April 2, 2012 meeting

Don Mazzeo: We've already heard from several members of the Commission that they are objecting that this particular Commission address this issue at all. I recognize and accept your objections, however, that being said, I would like to at least have a minimal discussion regarding this. It is a serious, from my perspective, and from what I heard at the Council Meeting two weeks ago, I guess it's been; it's a very serious safety issue for the residents of that community. I agree with your comments both Bob and Lynn that I think this is probably the wrong Commission to be discussing it. We are a Land Use. You already have your land and I'm addressing you folks out there, because I know you're almost all from Cannery. My comments would be very simple and I would address this back to either Robin and/or to Seth – do we have any input from the County 911 Emergency Management Systems; do we have anything from the town Fire Department; do we have anything from the town Police Department; other than a map that was forwarded to us that says this is what they use?

Robin Davis: I think in the Memo or some of the information that you received, there was a Memo, I think, from the Town Manager or actually...

Bob Heinrich: Dated March 7<sup>th</sup>?

Robin Davis: Yes, that basically talks about the reasoning why; I think Council looked at it as the layout was approved or was reviewed by this Commission during the process.

Don Mazzeo: Really?

Tim Nicholson: Yeah, maybe that's why it looks the way it did.

Robin Davis: And there was, I don't know if it's on any paperwork that you received, there was some talks with the mapping and addressing for the County; and of course, the County, since it's in town, the County will not be proactive; they will help us out, but they're not going to make suggestions and tell us how to change this. It's something that's our issues.

Don Mazzeo: Because we're in town and not in County?

Robin Davis: Correct.

Don Mazzeo: But we all pay County taxes too.

Robin Davis: I think the wording that I got on one of my emails, was they're not going to be proactive.

Don Mazzeo: Okay.

Tim Nicholson: What a surprise.

Don Mazzeo: And Seth do you have any input on this, at all, at this stage.

Seth Thompson: I don't. I'm certainly willing to do, from the legal end, whatever the Commission or the Council wants me to do; I think that is fair to say that I can't imagine the County is going to dedicate any sort of resources.

Don Mazzeo: Okay.

Seth Thompson: Legally, it appears that the current signage complies with the letter of the law; but I think it has a problem with the spirit of the law; if the spirit of the law is to avoid confusion and promote public safety.

Don Mazzeo: And to protect the residents.

Seth Thompson: That's right, promote public safety. So, I think the town has the ability to take corrective action. I guess the question becomes what corrective action could be taken; whether it's additional signage.

Tim Nicholson: I think that whoever deals with this really has to have the expertise to solve it, because this brings up myriad issues; potential changes of address and what the impact is, to say nothing of the fact that we have a serious problem. So...

Don Mazzeo: Let me ask Seth, a semi-legalized question here. If this Commission or any Commission or the Council suggests that the signage has to be redone, in some form or fashion; who's going to pay for it? And I said, it's kind of a legal question.

Seth Thompson: I suppose, again, I don't know if there are grants available for it; but honestly the roads have been dedicated to the town.

Don Mazzeo: No, they have not.

Seth Thompson: Okay.

Don Mazzeo: Okay, from the standpoint that the streets are not dedicated to town, therefore, it becomes Cannery Village's expense; whether it's the Homeowner's Association, the developer; but it becomes not Milton's responsibility on a financial basis.

Seth Thompson: And again, that's not really... I would have to see if there's any sort of legal responsibility on the town to pay for it. It would surprise me if anywhere in our Code... Typically, the way it works, once the road is dedicated, at that point the town is responsible for any sort of maintenance.

Don Mazzeo: While that is an issue in a tangent; I'm still concerned with the safety of the folks who live there. I know a good number of folks that live there; some of them are even sitting out here tonight and quite honestly, if I didn't know exactly where the house was; my GPS wouldn't help me a bit and I can't imagine that a 911 call is going to get answered in

a timely fashion; and as we all sit here and know, 20 minutes after a heart attack takes place, you're dead if you don't have medical attention; and I want to see these folks get medical attention, fire protection, police protection, security; but I don't want to see this Commission doing it to be quite honest with you. It just doesn't make any sense.

Tim Nicholson: I don't know that we have the expertise to do it.

Don Mazzeo: We probably have less expertise than a lot of other Commission's in town. It's been suggested that Streets and Sidewalks. I'm not sure that has any expertise, either.

Lynn Ekelund: Streets and Sidewalks. I think this is, as I said before, a discreet issue; an issue that should be addressed and I'm the first one to say I do not have the expertise to address it. I think that the town has a responsibility to form an Ad Hoc Committee and staff that Ad Hoc Committee with citizens and/or if we need, an expert; if we need Mr. Kerr, if we need someone of his ilk to help out; I think the town should include that person as a member or perhaps a Chairman of an Ad Hoc Committee to address the issue; but it just doesn't belong here.

Seth Thompson: Just to echo what Mr. Davis had said earlier, I think part of the thinking was the site plan went through Planning and Zoning, therefore there might be some basis for information there. I'm speculating on the second reason, but I suspect there might have been some thinking that Planning and Zoning also meets on a frequent basis and this is a time sensitive item.

Don Mazzeo: It's very time sensitive.

Bob Heinrich: Mr. Chairman, can I just follow through with that? If Planning and Zoning was responsible for validating the original Plan, it would have been done with the expertise of somebody else, because Planning and Zoning doesn't have such expertise, which we've been talking about. Just because Planning and Zoning may have rubber stamped something the first time around for Cannery Village, doesn't mean that, in my mind, we could be rubber stamping something else. I think somebody else should be doing it, as others have said, not Planning and Zoning folks on the Commission. We don't have the expertise for it.

Don Mazzeo: Either Robin or Seth, my recommendation and I'll speak for the Commission in general here; that we take this issue back to Mayor and Council with the suggestion and/or recommendation that an Ad Hoc Committee be formed immediately and with the appropriate personnel to address this issue.

Seth Thompson: I think it was assigned for the purposes of an Advisory Report. I suppose if that's the extent of the Advisory Report, well that's...

Don Mazzeo: That's my advice and...

Bob Heinrich: Yeah, I mean, my question is how would we start this process? What would we do? Somebody please tell me what we would do?

Don Mazzeo: No. Public comment is over. At this point, I don't know who's going to bring it back to Mayor and Council; either or or both.

Seth Thompson: I can certainly draft up just a quick letter; I suppose I'll address it to the Mayor.

Don Mazzeo: That's what I think should be done based on what we've spoken about this evening.

Lynn Ekelund: I move that we ask Seth to draft a letter summarizing Don's comments to Mayor and Council.

Seth Thompson: I'm sorry. Is that, in essence, requesting an Ad Hoc Committee to...

Lynn Ekelund: Our Advisory Report is the formation of an Ad Hoc Committee to address the Cannery Village signage issues on an immediate basis and that that Ad Hoc Committee be comprised of citizens who volunteer, perhaps people in Cannery Village that have an intimate knowledge of the street issue; along with anyone who might have the specific expertise to address this problem as quickly as possible; and if that necessitates hiring an expert, hire an expert.

Seth Thompson: Is there a second. I think that was a motion, right?

Bob Heinrich: I'll second it.

Don Mazzeo: All in favor say aye. Opposed. Motion carried.

**c. Nomination and Election of a Chairperson and a Secretary for this Particular Commission**

Lynn Ekelund: I nominate Don Mazzeo as Chairman.

Bob Heinrich: I nominate Lynn Ekelund as Secretary. I'll second the Don Mazzeo nomination.

Don Mazzeo: All in favor say aye. Opposed. Motion is carried.

**9. Adjournment**

Don Mazzeo: I'll entertain a motion to adjourn.

Lynn Ekelund: I make a motion to adjourn at 7:41 p.m.

Bob Heinrich: Second.

Don Mazzeo: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you ladies and gentlemen.